

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KATHY D. KOBYLENSKI,)
)
Plaintiff,)
)
v.) Case No. CIV-13-1300-L
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social)
Security Administration,)
)
Defendant.)

O R D E R

On December 12, 2014, Magistrate Judge Gary M. Purcell entered a Report and Recommendation in this action brought by plaintiff Kathy D. Kobylenski pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's application for supplemental security income benefits under Title XVI of the Social Security Act. The Magistrate Judge recommended that the Commissioner's decision be affirmed.

The court file reflects that plaintiff timely filed her Objection to Magistrate's Report and Recommendation, which the court has carefully considered. Upon

review, the court finds that plaintiff's objections are insufficient to justify overturning the conclusions of the Magistrate Judge in this matter.

The court finds that the Magistrate Judge appropriately found that no error occurred with respect to the evaluation of Dr. Rodgers' opinion concerning plaintiff's work-related functional abilities because the ALJ's decision provides adequate reasons that are well supported in the record for discounting the opinion. The Magistrate Judge correctly found that no error occurred where the agency medical consultant's residual functioning capacity (RFC) assessment did not explicitly or implicitly indicate that plaintiff could not interact appropriately with supervisors and co-workers. Plaintiff has also failed to show that the ALJ erred in assessing plaintiff's RFC for work during the relevant time period prior to the ALJ's decision. The Magistrate Judge correctly found that the Appeals Council did not err in failing to consider evidence which post-dated the ALJ's decision.

Upon review of plaintiff's objections, the court finds that they are insufficient to justify overturning the conclusions of the Magistrate Judge. The Magistrate Judge properly found that the record provides substantial evidence to support the final decision of the Commissioner to deny plaintiff's application for supplemental security income benefits. Thus, upon *de novo* review, the court finds that the Report and Recommendation should be and is hereby adopted

in its entirety. Accordingly, the decision of the Commissioner to deny plaintiff's application for supplemental security income benefits is **AFFIRMED**.

It is so ordered this 21st day of January, 2015.



TIM LEONARD
United States District Judge